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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

In Re: TOYOTA MOTOR CORP.
UNINTENDED
ACCELERATION MARKETING,
SALES PRACTICES, AND
PRODUCTS LIABILITY
LITIGATION

This document applies to

All Personal Injury, Wrongful Death
and Property Damage Cases

Case No. 08:10-ML-2151 JVS (FMOx)

**PLAINTIFFS' AND TOYOTA
DEFENDANTS' JOINT STATUS
REPORT REGARDING THE
INTENSIVE SETTLEMENT
PROCESS**

Date: October 21, 2014
Time: 8:00 a.m.
Dept: Courtroom 10C
Judge: Honorable James V. Selna

1 Pursuant to the Court's Civil Minutes dated January 14, 2014 (Dkt No. 4504)
2 and the Court's Civil Minutes dated April 29, 2014 (Dkt No. 4554) and in advance
3 of the Court's Status Conference set for October 21, 2014 at 8:00 a.m. P.D.T.,
4 Plaintiffs' Co-Lead Counsel for the Personal Injury/Wrongful Death Cases and
5 members of the Plaintiffs' Liaison Counsel Committee for the Personal
6 Injury/Wrongful Death Cases (collectively "Plaintiffs' Co-Lead Counsel") and
7 counsel for Defendants Toyota Motor Corporation and Toyota Motor Sales, U.S.A.,
8 Inc. hereby respectfully submit this Joint Status Report Regarding the Intensive
9 Settlement Process (the "ISP"). The ISP is continuing to make good progress as the
10 parties attempt to resolve the various personal injury, wrongful death and/or
11 property damage cases pending before this Court and in other courts.¹

12 Since the issuance and adoption of the ISP Order,² Toyota's counsel have
13 had extensive and intensive negotiations with plaintiffs' firms representing a large
14 number of plaintiffs and claimants. These efforts have included numerous face-to-
15 face meetings with plaintiffs' counsel (including Plaintiffs' Co-Lead Counsel)

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22 ¹ The Court's Order Establishing Intensive Settlement Process ("ISP") and Setting
23 Hearing (Dkt No. 4490) (the "ISP Order") was confirmed and adopted at the
24 hearing held on January 14, 2014 and memorialized in the Court's Civil Minutes –
25 General dated January 14, 2014 (Dkt No. 4504). A similar order was issued by
26 Judge Edmon in Toyota Motor Cases, Joint Council Coordination Proceeding, No.
27 4261 (Superior Court of Los Angeles County, CA) (the "JCCP Proceeding").

28 ² The court overseeing the Texas state MDL proceeding in In re: Toyota Unintended
Acceleration Litigation, Cause No. 2010-46354 (152nd Judicial District, District
Court for Harris County, Texas) (the "Texas MDL Proceeding") has issued its own
ISP order. This order, which was issued on February 18, 2014, is substantially
similar to the one issued by this Court. The Texas court also appointed Patrick A.
Juneau as the Settlement Special Master in that litigation to perform essentially the
same tasks there as he performs in this MDL.

1 around the nation, including meetings held in Washington, D.C., New York, New
2 Orleans, Orange County and Los Angeles. These negotiations continue.

3
4 Counsel for Toyota has been and will continue to seek the input of Plaintiffs'
5 Co-Lead Counsel and negotiate in good faith with remaining plaintiffs' counsel in
6 attempts to resolve cases both informally/in advance of, and at the ISP settlement
7 conferences and/or mediations. Pursuant to the ISP Order and with Plaintiffs' Co-
8 Lead Counsel assistance, the ISP settlement conferences are first addressing
9 bellwether plaintiffs, bellwether plaintiffs in the discovery pool and those plaintiffs
10 with exigent circumstances.
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13 **I. ISP Settlement Conferences and ISP Mediations That Have Occurred**

14 After meeting and conferring with Plaintiffs' Co-Lead Counsel, the parties
15 have so far held four official ISP settlement conferences and one official ISP set of
16 mediations in addition to numerous face-to-face informal meetings. Three of these
17 ISP settlement conferences occurred prior to the Court's status conference held on
18 April 29, 2014 and one occurred afterwards. The ISP mediations occurred
19 immediately before and after the Court's April status conference.
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- 23 • The first ISP settlement conferences were held in Los Angeles, California on
24 February 26-27. Counsel for Toyota negotiated face-to-face with nine
25 different plaintiffs' firms representing plaintiffs in 22 cases.
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 - 27 • The second ISP settlement conferences were held in New York on March 17,
28 2014. Four plaintiffs' counsel representing plaintiffs in six cases were

1 scheduled to attend. Prior to this ISP settlement conference, counsel for
2 Toyota successfully negotiated the resolution of four of the six cases
3 scheduled, with all four cases pending in the MDL.
4

- 5 • While the parties scheduled an ISP settlement conference for Chicago for
6 March 26, 2014, it was adjourned due to scheduling changes which limited
7 the number of firms that could attend the conference. Settlement Special
8 Master Juneau was consulted and consented to the cancellation of this ISP
9 conference, with the parties continuing to negotiate these cases either over
10 the telephone or at subsequent ISP settlement conferences.
11
- 12 • The third ISP settlement conferences were held in Houston, Texas on April
13 23 and 24, 2014. A total of 11 plaintiffs' firms representing 23 plaintiffs
14 were in attendance, with several of these cases pending in the Texas MDL
15 Proceeding. We were able to resolve nearly one-half of the cases and
16 narrowed the gap in a number of others.
17
- 18 • Settlement Special Master Juneau oversaw five cases for the first ISP
19 mediations from April 28 to 30 in Orange County, California. These five
20 cases did not resolve at the ISP settlement conference. The parties were able
21 to resolve three of the five cases and discussions continue on one other case.
22
- 23 • The same week as the Court's status conference, the parties held the fourth
24 ISP settlement conference in San Francisco, California on May 1. Plaintiffs
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1 in a total of seven cases were scheduled to attend. Prior to this settlement
2 conference, we resolved four cases (one case pending in the MDL and three
3 cases pending in the JCCP) and discussed resolution with the three remaining
4 cases for this ISP settlement conference.
5

6 **II. ISP Settlement Conferences and ISP Mediations That Are Being**
7 **Scheduled**

8 In light of the successes and pursuant to Court order, the parties continue to
9 schedule more ISP settlement conferences and ISP mediations, subject to
10 availability and other issues.
11

- 12 • The parties are currently working on a second set of ISP settlement
13 conference for May. ISP settlement conferences and a continuation of a prior
14 ISP mediation are being scheduled for New Orleans, Louisiana for May 27-
15 28, 2014. Subject to availability, the parties are targeting approximately
16 eight plaintiffs to attend the ISP settlement conferences.
17
- 18 • The parties are also currently scheduling ISP settlement conferences and
19 mediations for June 2-4 in the Los Angeles area. The parties are targeting
20 approximately nine plaintiffs to attend the ISP settlement conferences.
21
- 22 • The parties are also currently scheduling ISP settlement conferences and
23 mediations in the northeast that is being targeted for the middle of July.
24

25 **III. Settlement Results**

26 As outlined above and through the efforts of all parties, including, but not
27
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1 limited to, Plaintiffs' Co-Lead Counsel, Toyota advises the Court that it has
2 agreements in principle to resolve 161 matters. Of this number, 82 cases are
3 pending in the MDL and 29 cases are pending in the JCCP Proceeding. A total of
4 50 are outside of the MDL and JCCP Proceedings. Attached, as Exhibit A is a
5 chart that provides a greater breakdown by category for the ISP.
6

7
8 **IV. Strong Interest in the ISP**

9 In addition to the resolutions as noted above, Plaintiffs' Co-Lead Counsel
10 and Toyota have been very encouraged by the strong interest and response to date
11 from plaintiffs' counsel in providing materials for cases to participate in the ISP.
12

13 Since December 2013, the Settlement Special Master, Plaintiffs' Co-Lead
14 Counsel and counsel for Toyota have mailed out a number of letters to plaintiffs'
15 counsel. The letters have reminded plaintiffs' counsel about the ISP and the steps
16 necessary to participate in it. In response, as of May 14, 2014, plaintiffs in 182
17 matters have requested to participate in the ISP and a majority of these plaintiffs
18 have already provided records and materials necessary to move the cases forward.
19 In addition, the Settlement Special Master's office, Plaintiffs' Co-Lead Counsel and
20 counsel for Toyota have received and responded to hundreds of e-mails, telephone
21 calls, and letters regarding the ISP. The Settlement Special Master and counsel for
22 Toyota are in the process of meeting and conferring with Plaintiffs' Co-Lead
23 Counsel regarding upcoming ISPs as well as collecting records in order to begin
24 confidential good faith negotiations.
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1 Dated: May 20, 2014

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2 By: /s/ Elizabeth J. Cabraser

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CERTIFICATE OF SERVICE

I hereby certify that I am over the age of 18, not a party to this litigation, and am an employee of Reed Smith LLP, which represents plaintiffs in the above-referenced litigation. I further certify that a true and correct copy of the above and foregoing document was served upon the attorney of record for each other party through the Court's electronic filing service on May 20, 2014.

/s/ Cheryl Hammill
Cheryl Hammill